

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.3956 of 2022

Date of Decision : 20.12.2022

Manoj Garg

....Petitioner

VERSUS

Edelweiss Stock Broking Ltd.

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Chandeeep Singh, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for issuance of a direction to the Trial Court to decide Civil Suit No.1711 of 2016 titled “Manoj Garg vs. Edelweiss Stock Broking Ltd.” expeditiously, within a time bound manner.

A perusal of the file reveals that the case was instituted in November 2016. Thereafter, the defendant was proceeded against *ex parte* and on numerous dates the matter was fixed for arguments on the stay application, however, the arguments were not advanced by learned counsel for the plaintiff-petitioner. Thereafter, various dates were taken by counsel for the plaintiff-petitioner for leading his *ex parte* evidence. Till 2018 the plaintiff-petitioner did not conclude his *ex parte* evidence for reasons best known to him. In August 2018 an application for setting aside the *ex parte* proceedings was filed by the defendant-respondent. After two dates the reply was filed. On various dates the counsel did not address arguments on the application for setting aside the *ex parte* order dated 17.11.2016. On many dates it has been noted that last opportunity is being granted for addressing arguments. However, despite last opportunity being granted, arguments were not addressed. Subsequently, the case was adjourned because of

administrative order passed by this Court in view of the situation created due to Pandemic Covid-19. Even on 13.10.2021 arguments were not advanced on the application for setting aside the *ex parte* proceedings. On 04.02.2022 the case was adjourned due to the instructions issued by learned District and Sessions Judge, Kaithal. On 02.03.2022 the Court was on casual leave. On 13.05.2022 the Court was yet again on casual leave and the matter could not be taken up. On 22.07.2022 the case was put up before the concerned officer and the order states that the case was being adjourned as the officer was availing joining time from 25.07.2022 to 01.08.2022, consequent upon her transfer from Sonapat to Kaithal. Even thereafter the case has been adjourned on two occasions on the request of counsel for the plaintiff-petitioner as arguments were not advanced on the application for setting aside the *ex parte* proceedings.

There are 9361 civil cases pending in the Civil Courts at Kaithal. In the present case, repeatedly the matter has been adjourned on the request of counsel for the plaintiff-petitioner and the Court cannot be faulted with. There is no exceptional ground made out by learned counsel for the plaintiff-petitioner for permitting the petitioner to steal a march over the 9361 cases already pending before the Civil Courts at Kaithal and directing the present case to be heard expeditiously, out of turn.

In view of the above, I do not find any ground to interfere in the present revision petition which is accordingly dismissed. Pending applications, if any, also stand disposed off.

20.12.2022
jk

(ALKA SARIN)
JUDGE